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Notice of Allowability	Application No.	Applicant(s)	
	10/711,824	SMITH, ROBERT I.	
	Examiner	Art Unit	
	Kristie A. Mahone	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to Amendment filed 2/26/07.
- 2. ☒ The allowed claim(s) is/are 1-7.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070504</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Drawings

1. The corrected drawing sheets, received on February 26, 2007, are accepted.
- The objections to the drawings are withdrawn in view of the amendment.

Specification

2. The objection to the Abstract is withdrawn in view of the amendment correcting the cited deficiencies

Response to Arguments

3. Applicant's arguments at page 10 regarding the enablement rejection have been fully considered and are persuasive. The rejection of claims 3 and 4 is withdrawn.
4. Applicant's arguments at page 10 regarding the 35 USC §103 rejections have been fully considered and are persuasive. The rejection of claims 1,2, and 5 is withdrawn.

EXAMINER'S AMENDMENT

5. Applicant failed to address the objection to claims 1 and 5 due to inconsistent recitations of a "toilet tank" and "holding tank". New claim 6 contains similar inconsistencies. An examiner's amendment resolving the inconsistency appears below. The claims now recite "a tank." Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with Anton Hopen on May 14, 2007.

The application has been amended as follows:

In Claim 1, line 4: **DELETE:** "toilet"

In Claim 1, line 6: **DELETE:** "toilet"

In Claim 1, line 7: **DELETE:** "toilet"

In Claim 1, line 13: **DELETE:** "holding"

In Claim 1, line 16: **DELETE:** "holding"

In Claim 1, line 17: **DELETE:** "holding"

In Claim 5, line 3: **DELETE:** " water "

In Claim 5, line 4: **DELETE:** " water"

In Claim 6, line 4: **DELETE:** " toilet "

In Claim 6, line 6: **DELETE:** "toilet "

In Claim 6, line 7: **DELETE:** " toilet "

In Claim 6, line 13: **DELETE:** "holding "

In Claim 6, line 16: **DELETE:** "holding "

In Claim 6, line 17: **DELETE:** "holding"

REASONS FOR ALLOWANCE

7. The following is a statement of reasons for the indication of allowable subject matter. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Regarding claim 1, the prior art, considered alone or in combination, fails teach a toilet ventilation system having in conjunction with other limitations: an upwardly facing water trap disposed within a fan box adjacent an air compartment with a first side of the water trap in fluid communication with the water in the tank and a second side fluid communication with the air compartment such that water, at normal operating levels in the tank, enters the trap to provide a seal between the air compartment and the part of the tank not containing water, whereby the seal is maintained when the water is expelled from the tank.

Regarding claim 6, the prior art, considered alone or in combination, fails teach a toilet ventilation system having in conjunction with other limitations: an upwardly facing water trap disposed within a fan box adjacent an air compartment with a first side of the water trap in fluid communication with the water in the tank and a second side fluid communication with the air compartment such that water, at normal operating levels in the tank, enters the trap to provide a seal between the air compartment and the part of the tank not containing water, whereby the seal is maintained when the water is expelled from the tank; and a activation switch communicatively coupled with a flush handle such that manipulation of the handle in an upward direction completes and electrical circuit activating the fan.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie A. Mahone whose telephone number is (571) 272-3680. The examiner can normally be reached on Monday -Friday 8:30A.M-5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kristie A Mahone
Examiner
Art Unit 3751

1.



GREGORY HUSON
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